

# Notice of Allowability

Application No.

10/729,778

Examiner

George L. Walton

Applicant(s)

DICKEY ET AL.

Art Unit

3753

## -- The MAILING DATE of this communication appears on the cover sheet with the correspondence address--

All claims being allowable, PROSECUTION ON THE MERITS IS (OR REMAINS) CLOSED in this application. If not included herewith (or previously mailed), a Notice of Allowance (PTOL-85) or other appropriate communication will be mailed in due course. **THIS NOTICE OF ALLOWABILITY IS NOT A GRANT OF PATENT RIGHTS.** This application is subject to withdrawal from issue at the initiative of the Office or upon petition by the applicant. See 37 CFR 1.313 and MPEP 1308.

1. ☒ This communication is responsive to the interview summary and the examiner's amendment.
2. ☒ The allowed claim(s) is/are 1-6.
3. ☒ The drawings filed on 05 December 2003 are accepted by the Examiner.
4. ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
  - a) ☐ All    b) ☐ Some\*    c) ☐ None    of the:
    1. ☐ Certified copies of the priority documents have been received.
    2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
    3. ☐ Copies of the certified copies of the priority documents have been received in this national stage application from the International Bureau (PCT Rule 17.2(a)).

\* Certified copies not received: \_\_\_\_\_.

Applicant has THREE MONTHS FROM THE "MAILING DATE" of this communication to file a reply complying with the requirements noted below. Failure to timely comply will result in ABANDONMENT of this application.  
**THIS THREE-MONTH PERIOD IS NOT EXTENDABLE.**

5. ☐ A SUBSTITUTE OATH OR DECLARATION must be submitted. Note the attached EXAMINER'S AMENDMENT or NOTICE OF INFORMAL PATENT APPLICATION (PTO-152) which gives reason(s) why the oath or declaration is deficient.
  6. ☐ CORRECTED DRAWINGS ( as "replacement sheets") must be submitted.
    - (a) ☐ including changes required by the Notice of Draftsperson's Patent Drawing Review ( PTO-948) attached
      - 1) ☐ hereto or 2) ☐ to Paper No./Mail Date \_\_\_\_\_.
    - (b) ☐ including changes required by the attached Examiner's Amendment / Comment or in the Office action of Paper No./Mail Date \_\_\_\_\_.
- Identifying indicia such as the application number (see 37 CFR 1.84(c)) should be written on the drawings in the front (not the back) of each sheet. Replacement sheet(s) should be labeled as such in the header according to 37 CFR 1.121(d).
7. ☐ DEPOSIT OF and/or INFORMATION about the deposit of BIOLOGICAL MATERIAL must be submitted. Note the attached Examiner's comment regarding REQUIREMENT FOR THE DEPOSIT OF BIOLOGICAL MATERIAL.

### Attachment(s)

- |   |   |
|---|---|
| 1. <input type="checkbox"/> Notice of References Cited (PTO-892)  | 5. <input type="checkbox"/> Notice of Informal Patent Application (PTO-152)                                 |
| 2. <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)                                | 6. <input checked="" type="checkbox"/> Interview Summary (PTO-413),<br>Paper No./Mail Date <u>6/22/04</u> . |
| 3. <input type="checkbox"/> Information Disclosure Statements (PTO-1449 or PTO/SB/08),<br>Paper No./Mail Date _____ | 7. <input checked="" type="checkbox"/> Examiner's Amendment/Comment   |
| 4. <input type="checkbox"/> Examiner's Comment Regarding Requirement for Deposit<br>of Biological Material          | 8. <input type="checkbox"/> Examiner's Statement of Reasons for Allowance                                   |
|   | 9. <input type="checkbox"/> Other _____.  |

### EXAMINER'S AMENDMENT

An examiner's amendment to the record appears below. Should the changes and/or additions be unacceptable to applicant, an amendment may be filed as provided by 37 CFR 1.312. To ensure consideration of such an amendment, it MUST be submitted no later than the payment of the issue fee.

Authorization for this examiner's amendment was given in a telephone interview with Mr. Timothy J. Zarley on June 21, 2004.

The application has been amended as follows:

In original claim 1, line 46, "piston" has been changed to -- valve --. See the attached claim 1 to reference the change.

#### What Is Claimed Is:

Claim 1. (Currently Amended) A freezeless wall hydrant, comprising,  
a normally horizontal fluid inlet tube having an interior end and an exterior end,  
a hollow valve fitting rigidly secured to the interior end of the inlet tube for connection to source  
of pressurized fluid,  
a valve seat on an interior end of the valve fitting,  
a casting member rigidly secured to the outer end of the inlet tube and including a drain conduit  
in communication with an interior of the inlet tube for discharging water from the  
hydrant,  
a valve body longitudinally movably mounted in the inlet tube adjacent the valve fitting,  
a valve sealing element on the valve body adapted to engage and disengage the valve seat to  
prevent or permit, respectively, a fluid flow through the valve fitting into the inlet tube,  
an elongated operating rod having a rearward end secured to the valve body and an outer end  
protruding from the casting member for longitudinally moving the valve body in the inlet  
tube,  
a bore in the valve body connecting the valve fitting and the inlet tube,

Art Unit: 3753

a check valve in the bore of the valve body to normally prevent fluid flow either into or out of the inlet tube,

a center bore in the valve body extending between a forwardly located aperture with a center bore and the valve sealing element located adjacent the rearward end of the valve body,

a resilient sealing ring adjacent the forwardly located aperture,

a valve element having an end portion adjacent the resilient sealing ring and a stem portion of smaller diameter extending in a rearwardly direction;

a compression spring around the stem portion bearing against a rearward surface of the end portion of the piston element and normally urging the piston element to compress the resilient sealing ring to prevent the flow of fluid rearwardly through the inlet pipe and through the center bore of the valve body,

a fluid conduit in the valve body having a rearward end communicating with the source of pressurized fluid, and a forward end communicating with the portion of the bore of the valve body occupied by the compression spring so that a source of fluid under pressure higher than a source of pressurized fluid adjacent the hollow valve fitting will cause the piston element to compress the compression spring to decompress the resilient sealing ring so that fluid will flow rearwardly through the valve body through the forwardly located aperture therein; thence through the resilient sealing ring, past the end portion of the ~~piston~~-valve element, past the compression spring, and into the fluid conduit of the valve body to the source of pressurized fluid adjacent the hollow valve fitting.

### ***Conclusion***

Any inquiry concerning this communication or earlier communications from the examiner should be directed to George L. Walton whose telephone number is 703-308-2596. The examiner can normally be reached on M-F, 8:00-4:30.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Dave Scherbel can be reached on 703-308-1272. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Art Unit: 3753

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).



George L. Walton  
Primary Examiner  
Art Unit 3753

GLW